

### **REMARKS**

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed December 2, 2005. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 42 – 75 and 77 – 81 remain pending. In particular, Applicants amend claims 42, 53, 58, 66, 69, 71 – 75, and 77 and cancel claim 76 without prejudice, waiver, or disclaimer. Applicants cancel this claim merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

#### **I. Examiner Interview**

Applicants first wish to express sincere appreciation for the time that Examiner Olisa Anwah spent with Applicants' Attorney, Anthony Bonner during a telephone discussion on January 2, 2006 regarding the outstanding Office Action. During that conversation, Examiner Anwah seemed to indicate that it would be potentially beneficial for Applicants to make the amendments herein. More specifically, while no agreement was reached, Examiner Anwah seemed to indicate that amending claim 42 to more clearly indicate that in response to translating the control signal, a determination is made as to whether to toggle the first command mode logic and the second command mode logic between active status and inactive status would be

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potentially beneficial. Thus, Applicants respectfully request that Examiner Anwah carefully consider this response and the amendments.

## II. Voluntary Claim Amendments

Applicants amend claims 72 – 75 to change the dependency of these claims. Applicants note that these amendments are cosmetic in nature and are not made for purposes of patentability. For at least these reasons, Applicants submit that these amendments should not be construed to invoke prosecution history estoppel.

## III. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single cited art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

### A. Claim 42 is Patentable Over *Son*

The Office Action indicates that claim 42 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 ("*Son*"). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 42, as amended, recites:

A telephone user interface (TUI) configured to receive a command signal after a call is connected, the TUI comprising:

first command mode logic for receiving a first type command signal from a user in association with an option of a first menu structure of options, said first command mode logic having an active status and an inactive status;

second command mode logic for receiving a second type command signal from the user in association with an option of a second menu structure of options, said second command mode logic having an active status and an inactive status, said options of said first menu structure logically associated with said options of said second menu structure;

mode determination logic configured to determine whether a received command signal correlates with the control mode logic that is currently associated with inactive status;

translation logic configured to translate the received command signal into a format associated with the control mode logic that is currently associated with the active status, in response to the determination that the received command signal corresponds to the control mode logic that is currently associated with inactive status;

*toggle determination logic configured to, in response to the translation logic translating the control signal, determine whether to toggle the first command mode logic and the second command mode logic between active status and inactive status; and*

switching logic configured to, in response to the toggle determination logic determining to toggle the first command mode logic and the second command mode logic between active and inactive status, toggle the first command mode logic and second command mode logic between active status and inactive status,

wherein said active status of the second command logic correlates with the inactive status of the first command logic, and wherein the inactive status of the second command logic correlates with the active status of the first control logic. *(emphasis added)*

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “telephone user interface (TUI) configured to receive a command signal after a call is connected, the TUI comprising... translation logic configured to translate the received command signal... [and] *toggle determination logic configured to, in response to the translation logic translating the control signal, determine whether to toggle the first command mode logic and the second command mode logic between active status and inactive status...*” as recited in claim 42, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “telephone user interface (TUI) configured to receive a command signal

after a call is connected... comprising... translation logic... [and] toggle determination logic” as recited in claim 42, as amended. For at least this reason, claim 42, as amended, is allowable over *Son*.

**B. Claim 53 is Patentable Over *Son***

The Office Action indicates that claim 53 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 (“*Son*”). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 53, as amended, recites:

A telephone user interface (TUI) configured to receive a command signal after a call is connected, comprising:

voice-based command mode logic configured to receive a vocalized command signal from a user in association with a voice option of a menu structure of voice options, said voice-based command mode logic having an active status and an inactive status;

tone-based command mode logic configured to receive a tonal command signal from the user in association with a tone option of a menu structure of tone options, said tone based command mode logic having an active status and an inactive status, said voice options logically associated with said tone options; and

mode determination logic configured to determine whether the received command signal corresponds to the control mode logic that is currently associated with inactive status;

translation logic configured to translate the received first command signal into a format corresponding to the control mode logic that is currently associated with the active status, in response to the determination that the received first command signal corresponds to the control mode logic that is currently associated with inactive status;

***toggle determination logic configured to, in response to the translation logic translating the control signal, determine whether to toggle the voice-based command mode logic and the tone-based command mode logic between active status and inactive status; and***

switching logic configured to, in response to the toggle determination logic determining to toggle the voice-based command mode logic and the tone-based command mode logic between active status and inactive status, toggle the voice-based command mode logic and tone-

based command mode logic between active status and inactive status.  
*(emphasis added)*

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “telephone user interface (TUI) configured to receive a command signal after a call is connected, comprising... translation logic configured to translate the received first command signal... [and] *toggle determination logic configured to, in response to the translation logic translating the control signal, determine whether to toggle the voice-based command mode logic and the tone-based command mode logic between active status and inactive status...*” as recited in claim 53, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “telephone user interface (TUI) configured to receive a command signal after a call is connected, comprising... translation logic... [and] toggle determination logic” as recited in claim 53, as amended. For at least this reason, claim 53, as amended, is allowable over *Son*.

**C. Claim 58 is Patentable Over *Son***

The Office Action indicates that claim 58 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 (“*Son*”). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 58, as amended, recites:

A method in a telephone user interface (TUI) configured to receive a command signal after a call is connected, the TUI including a tone-based command mode having a menu structure of tone options and a voice-based command mode having a menu structure of voice options, wherein the tone-based command mode has an active status and an inactive status and

the voice-based command mode has an active status and an inactive status, said method comprising the steps of:

- a. operating the TUI with a command mode that corresponds to active status;
- b. receiving a command signal from a user;
- c. determining whether the active command mode correlates to the command signal;
- d. in response to determining that the received command signal does not correlate with the active command mode, translating the received command signal into a format that corresponds to the active command mode;
- e. *in response to translating the received command signal, determining whether to toggle the tone-based command mode and the voice-based command mode between active status and inactive status;* and
- f. in response to determining to toggle the tone-based command mode and the voice-based command mode between active status and inactive status, toggling the tone-based command mode and the voice-based command mode between active status and inactive status. (*emphasis added*)

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “method in a telephone user interface (TUI) configured to receive a command signal after a call is connected... comprising... in response to determining that the received command signal does not correlate with the active command mode, translating the received command signal... [and] *in response to translating the received command signal, determining whether to toggle the tone-based command mode and the voice-based command mode between active status and inactive status...*” as recited in claim 58, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “method in a telephone user interface (TUI) configured to receive a command signal after a call is connected... comprising... translating the received control signal... [and] *in response to translating the received command signal, determining whether to toggle the tone-based command mode and the voice-based*

*command mode between active status and inactive status*” as recited in claim 58, as amended.

For at least this reason, claim 58, as amended, is allowable over *Son*.

**D. Claim 66 is Patentable Over *Son***

The Office Action indicates that claim 66 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 (“*Son*”). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 66, as amended, recites:

A computer-readable medium on which is stored a computer program for controlling a telephone user interface (TUI), the TUI including a plurality of command modes, the computer readable medium comprising:

- a. logic configured to operate said TUI in a first one of said command modes;
- b. logic configured to receive a command signal from a user;
- c. logic configured to determine whether the received command signal corresponds to the first one of said command modes;
- d. logic configured to translate the received command signal to a format that corresponds to the first one of said command modes, in response to determining that the received command signal does not correspond with the first one of said command modes;
- e. ***logic configured to, in response to translating the received command signal to a format that corresponds to one of said command modes, determine whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal; and***
- f. logic configured to, in response to determining to operate the TUI in the second command mode, operate the TUI in the second command mode that corresponds to a format associated with the received command signal. (***emphasis added***)

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “computer-readable medium... for controlling a telephone user interface (TUI)... comprising... logic configured to translate the received command signal... [and] ***logic configured to, in response to***

*translating the received command signal to a format that corresponds to one of said command modes, determine whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal..."* as recited in claim 66, as amended.

More specifically, *Son* appears to disclose techniques for allowing or causing a "*communication device* to enter the voice command mode" (col. 2, line 4). However nowhere in *Son* is there disclosed a "computer-readable medium... for controlling a telephone user interface (TUI)... comprising... logic configured to translate the received command signal [and] *logic configured to, in response to translating the received command signal to a format that corresponds to one of said command modes, determine whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal*" as recited in claim 66, as amended. For at least this reason, claim 66, as amended, is allowable over *Son*.

**E. Claim 69 is Patentable Over *Son***

The Office Action indicates that claim 69 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 ("*Son*"). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 69, as amended, recites:

A method in an integrated computer telephony system providing a telephone user interface (TUI), said TUI having a pair of command modes, the method for toggling between said command modes, comprising the steps of:

- a. operating said TUI in a first one of said command modes;
- b. receiving a command signal from a user;
- c. determining whether the received command signal corresponds to the first one of said command modes;
- d. translating the received command signal to a format that corresponds to the first one of said command modes, in response to



determining that the received command signal does not correspond with the first one of said command modes;

e. *in response to translating the received command signal to a format that corresponds to the first of one of said command modes, determining whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal for a subsequent command signal*; and

f. in response to determining to operate the TUI in the second command mode, operating the TUI in the second command mode that corresponds to a format associated with the received command signal (*emphasis added*)

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “method in an integrated computer telephony system providing a telephone user interface (TUI)... comprising the steps of... translating the received command signal... [and] *in response to translating the received command signal* to a format that corresponds to the first of one of said command modes, *determining whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal for a subsequent command signal...*” as recited in claim 69, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “method in an integrated computer telephony system providing a telephone user interface (TUI)... comprising the steps of... translating the received command signal [and] *in response to translating the received command signal* to a format that corresponds to the first of one of said command modes, *determining whether to operate the TUI in a second command mode that corresponds to a format associated with the received command signal for a subsequent command signal*” as recited in claim 69, as amended. For at least this reason, claim 69, as amended, is allowable over *Son*.

**F. Claim 71 is Patentable Over *Son***

The Office Action indicates that claim 71 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 ("*Son*"). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 71, as amended, recites:

A method in a program module operating within a telecommunications system and having access to a TUI, said TUI having a pair of command modes for controlling said TUI and providing a plurality of options to be implemented through the telecommunications system, the method for controlling said command modes, comprising the steps of:

implementing one of the said command modes to initially control said TUI;

in response to a command signal issued by a user after a call is connected, *translating the command signal* into a format corresponding to the activated command mode;

*in response to translating the command signal* into a format corresponding to the activated command mode, *determining whether to toggle the command modes*, wherein said toggling is initiated by interrupting the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the other of said command modes for a subsequent command signal; and

in response to determining to toggle said command modes, toggling said command modes. (*emphasis added*)

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a "method... for controlling said command modes, comprising the steps of... *translating the command signal* into a format corresponding to the activated command mode... [and] *in response to translating the command signal* into a format corresponding to the activated command mode, *determining whether to toggle the command modes*, wherein said toggling is initiated by interrupting the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the

other of said command modes for a subsequent command signal...” as recited in claim 71, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “method... for controlling said command modes, comprising the steps of... translating the command signal [and] in response to translating the command signal... determining whether to toggle the command modes,” as recited in claim 71, as amended. For at least this reason, claim 71, as amended, is allowable over *Son*.

**G. Claim 77 is Patentable Over *Son***

The Office Action indicates that claim 77 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 (“*Son*”). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 77, as amended, recites:

A computer system for toggling command modes of a telephone user interface (TUI) having a first command mode and a second command mode, said computer system comprising:

- a processing unit;
  - a memory storage device operative to store a program implementing said TUI; and
  - an interface device coupled to said processing unit for receiving a call,
- said processing unit responsive to instructions in said program and being operative to:
- prompt for a command signal after a call is connected;
  - activate said first command mode associated with said command signal;
  - control said TUI while in said first command mode;
  - receive a subsequent command signal from a user, the subsequent command signal corresponding to a second command mode;
  - translate the subsequent command signal* into a format that corresponds to the first command mode;

*in response to translating the subsequent command signal into a format that corresponds to the first command mode, determine whether to interrupt said first command mode;*

in response to determining to interrupt said first command mode, interrupt said first command mode in response to receiving a subsequent command signal from a user to activate the second command mode associated with said subsequent command signal in place of said first command mode; and

resume operation of said TUI by utilizing said second command mode for a subsequent command signal. (*emphasis added*)

Applicants respectfully submit that *Son* fails to disclose, teach, or suggest a “computer system for toggling command modes of a telephone user interface (TUI) having a first command mode and a second command mode, said computer system comprising... a processing unit... being operative to... translate the subsequent command signal... [and] *in response to translating the command signal* into a format corresponding to the activated command mode, *determining whether to toggle the command modes*, wherein said toggling is initiated by interrupting the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the other of said command modes for a subsequent command signal...” as recited in claim 77, as amended. More specifically, *Son* appears to disclose techniques for allowing or causing a “*communication device* to enter the voice command mode” (col. 2, line 4). However nowhere in *Son* is there disclosed a “computer system... comprising... a processing unit... being operative to... *translate the subsequent command signal*... [and] in response to translating the subsequent command signal into a format that corresponds to the first command mode, determine whether to interrupt said first command mode” as recited in claim 77, as amended. For at least this reason, claim 77, as amended, is allowable over *Son*.

**H. Claims 43 – 47, 49 – 52, 54 – 56, 59 – 65, 67 – 70, 72 – 76, and 78 – 81 are Patentable Over *Son***

The Office Action indicates that claims 43 – 47, 49 – 52, 54 – 56, 59 – 65, 67 – 70, 72 – 76, and 78 – 81 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,212,408 (“*Son*”). Applicants respectfully traverse this rejection on the grounds that *Son* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 43 – 47 and 49 – 52 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 42. Dependent claims 54 – 56 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 53. Dependent claims 59 – 65 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 58. Dependent claims 67 – 70 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 66. Dependent claims 72 – 76 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 71. Dependent claims 78 – 81 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 77. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**IV. Claims 48 and 57 are Patentable Over *Son* in View of *Hunt***

The Office Action indicates that claims 48 and 57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Son* in view of U.S. Patent Number 6,094,476 (“*Hunt*”). Applicants respectfully traverse this rejection for at least the reason that *Son* in view of *Hunt* fails to disclose, teach, or suggest all of the elements of claims 48 and 57. More specifically, dependent

claim 48 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 42. Dependent claim 57 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 53. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

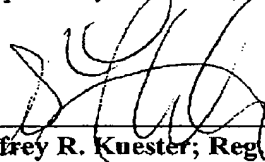
### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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